

**ENTERED**

January 08, 2024

Nathan Ochsner, Clerk

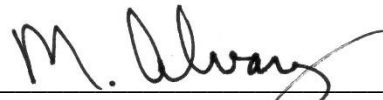
**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION****EMMANUEL LOPEZ,  
Plaintiff,****VS.****EDDIE GARZA, DIRECTOR  
OF THE TEXAS DEPARTMENT  
OF CORRECTIONS, et al.,  
Defendant.**§  
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§**CIVIL ACTION NO. 7:22-CV-0348****ORDER ADOPTING REPORT AND RECOMMENDATION**

Before the Court is Plaintiff Emmanuel Lopez's civil rights action, which had been referred to the Magistrate Court for a report and recommendation. On November 30, 2023, the Magistrate Court issued the Report and Recommendation, recommending that Plaintiff's claims be **DISMISSED** without prejudice for the failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.<sup>1</sup> The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.<sup>2</sup> Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, Plaintiff's civil rights action is **DISMISSED** without prejudice for the failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, and this case is **CLOSED**.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 8th day of January 2024.




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Micaela Alvarez  
Senior United States District Judge

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<sup>1</sup> Dkt. No. 43.

<sup>2</sup> As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Douglas v. United States Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)) *superseded by statute on other grounds* by 28 U.S.C. § 636(b)(1), *as stated in ACS Recovery Servs., Inc. v. Griffin*, No. 11-40446, 2012 WL 1071216, at \*7 n. 5 (5th Cir. April 2, 2012).